

Message Text

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ACTION AF-06

INFO OCT-01 ISO-00 H-02 /009 W

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P 090730Z MAY 75

FM AMEMBASSY KINSHASA

TO SECSTATE WASHDC PRIORITY 2455

UNCLAS KINSHASA 3849

E.O. 11652: N/A

TAGS: BBAK CG

SUBJ: DIAMANT PROPERTY PROBLEM

REF: KINSHASA 3691

1. FOLLOWING INFORMATION SHOULD BE PASSED FIRST TO MR. H. DIAMANT AND THEN TO CONGRESSMAN BOWMAN'S OFFICE.

2. AS RESULT FURTHER SEARCH, POST HAS FOUND DIAMANT COMMUNICATIONS AND CONTACTED LIEBAERT, THE BELGIAN LAWYER HERE HANDLING MR. DIAMANT'S CASE. NEITHER DIAMANT NOR HIS BROTHER, SISTER OR STEP-MOTHER IS IN POSSESSION OF A CERTIFICATE OF INVESTITURE. THE TWO BROTHERS AND THE SISTER TOGETHER OWN 14/16THS OF THE PROPERTY. THE DECEASED MR. DIAMANT'S SECOND WIFE OWNS 2/16. THE REQUEST FOR THE CERTIFICATE OF INVESTITURE IS STILL IN A PRELIMINARY STAGE. A REQUEST HAS BEEN MADE TO THE PRESIDENCY FOR AN ORDER REQUIRING THE PUBLICATION OF LEGAL NOTICES. THE PRESIDENCY HAS NOT YET RESPONDED. AFTER THE PUBLICATION OF THE LEGAL NOTICES THERE IS A WAITING PERIOD OF APPROXIMATELY TWO MONTHS TO ASCERTAIN IF THERE ARE RESPONDENTS. FOLLOWING THIS PERIOD APPLICATION IS MADE TO THE COURT FOR THE ISSUANCE OF A CERTIFICATE OF INVESTITURE. ZAIRIAN LAW ALLOWS FOR THE HANDLING OF THE WHOLE BUSINESS WITHIN FOUR MONTHS BETWEEN THE PUBLICATION OF THE NOTICE AND THE ISSUANCE OF THE CERTIFICATE. REALITY, HOWEVER, BEARS NO RELATION WITH PRACTICE IN THESE MATTERS. THE LAWYER IN THE CASE SAID THAT SUCH PROCESSES, ESPECIALLY IN THE CASE OF FOREIGNERS, COULD TAKE YEARS; FURTHERMORE, HE ABSOLUTELY REFUSED TO SPECULATE WHEN THE CERTIFICATE OF INVESTITURE IN THIS CASE MIGHT BE ISSUED. THE CERTIFICATE OF INVESTITURE IS ROUGHLY EQUIVALENT TO A COURT

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DECISION AND PROBATE PROCEEDINGS WHICH WOULD OFFICIALLY NAME THE

NEW OWNERS.

3. WITHOUT A CERTIFICATE OF INVESTITURE GIVING THE OWNER LEGAL RIGHTS TO THE PROPERTY, THE SALE OF PROPERTY IS RENDERED DIFFICULT. NEVERTHELESS, LIEBAERT WROTE SONAS IN EARLY APRIL SUGGESTING THAT A CONTRACT BE DRAWN WHICH WOULD READ ESSENTIALLY THAT THE VENDORS SELL ALL PRESENT AND FUTURE CLAIMS AND RIGHTS AGAINST THE PROPERTY. SONAS, THE NATIONAL INSURANCE COMPANY, HANDLES THE RENTING OF THE PROPERTY AND HAD IN NOVEMBER TRIED TO ARRANGE A SALE OF THE PROPERTY IN QUESTION, A VILLA WORTH APPROXIMATELY US \$60,000. UNFORTUNATELY LIEBAERT DOES NOT BELIEVE THAT THIS GAMBIT WILL BE SUCCESSFUL, AS A BUYER WILLING TO ACCEPT THESE CONDITIONS WILL BE DIFFICULT TO FIND.

4. MR. DIAMANT CONTACTED THE EMBASSY IN OCTOBER WITH PARTICULAR INTEREST IN HIS PROBLEM OF TRANSFERRAL OF RENTAL INCOME AND THE PROCEEDS FROM THE HOUSE SALE. TRANSFERRAL OF RENTS HAS BEEN DIFFICULT FOR SOME TIME, BUT IN JANUARY THE CENTRAL BANK ISSUED A CIRCULAR FORBIDDING THE TRANSFER OUT OF THE COUNTRY OF RENTS AND DIVIDENDS. THERE ARE CERTAIN EXCEPTION, HOWEVER, WHICH MAY OR MAY NOT BE APPLICABLE IN THE CASE. THE EMBASSY UNDERSTANDS THAT NON-RESIDENT FOREIGNERS ARE LEGALLY ALLOWED TO EXPATRIATE INHERITANCES FROM ZAIRE. THE EMBASSY STANDS READY TO SUPPORT MR. DIAMANT'S ATTEMPTS TO TRANSFER HIS MONEY BACK TO THE US, BUT SUGGESTS STRONGLY THAT MR. DIAMANT AWAIT THE COMPLETION OF ARRANGEMENTS FOR THE HOUSE SALE BEFORE MAKING APPLICATION FOR THE TRANSFER OF ONE LUMP SUM, INCLUDING PROCEEDS FROM SALE AND RENTS, BACK TO THE UNITED STATES.

5. LETTER WILL FOLLOW FROM CHARGE TO CONGRESSMAN BOWMAN AND MR. DIAMANT.

6. DUE TO THE VARAGRIES OF LOCAL PTT, EMBASSY WOULD LIKE TO OFFER ITS SERVICES IN TRANSMITTING ANY CORRESPONDENCE THAT MR. DIAMANT MAY HAVE CONCERNING THIS CASE.
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